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7/19/2012

WQC number: 875-5008-WQC-1

Public Notice

Closing Date:
8/17/2012

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits

Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Energy and Environment Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** Pennyrile Energy LLC
Mailing Address: 424 Lewis Hargett Circle, Suite 250
Lexington, KY 40503
Contact Person: Matt Begeman
Telephone No: (859) 519-3621
E Mail Address: MBegeman@rhinolp.com
2. **Consultant Name & Address:** David A. Lamb, PE
Associated Engineers, Inc.
2740 N. Main Street
Madisonville, KY 42431
Telephone No. (270) 821-7732
E Mail Address: DLamb@AssociatedEngineers.com
3. **Provide a brief description of the proposed activity and stream impact.**
Add approximately 9.1 acres of area to an existing permitted 185-acre tract being developed into a coal loading/processing plant site with a coal waste fill. This new area will involve an impact to 574 feet of perennial stream and 0.104 acres of wetlands. Mitigation is proposed as payment of an in-lieu fee to the KDF&WR.
4. **Project Location Information:**
County: McLean ; **USGS Quadrangle Name:** Delaware
Nearest Community & Road Intersection: Beech Grove, KY593 & KY136
Longitude: 37.666389 **Latitude:** 87.411389 (Approximate center of the project area)
5. **List the names of all streams affected by the proposed project:** Unnamed tributaries of Green River.

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

The drainage area for the stream impact, at the most downstream point, is 83.7 acres. Impacts above and below this site were submitted with the original permit application.

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

The impact affects 574 feet of perennial stream ML.

8. Provide the acreage of wetlands that would be impacted: 1,380 acres

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

From Beech Grove, go 2.6 miles west along KY56/KY136. Turn right onto KY136 and travel north for 0.8 miles to the KY136/KY593 intersection. Turn right onto KY593 and continue for 2.3 miles to a road on the left, this road runs along and into the permitted area.

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes ☒ No _____. If yes, indicate type of application:

NW 12 ____ NW 14 ____ NW 21 ____ NW 27 ____ NW 49 ____
NW 50 ____ Individual ☒ (Revision) ____ Other ____

11. Provide the following permit numbers associated with this mining activity:
Existing SMCRA Permit No. 875-5006 (Delaware Resources) being transferred to 875-5008 (Pennvire Energy LLC), KPDES No. KYG046203

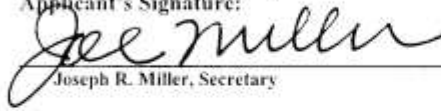
12. The following attachments must be provided:

- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- b. A 7.5 minute topographic map delineating the proposed project area.
- c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:


Joseph R. Miller, Secretary

, Date: 7/5/12

SUBMIT APPLICATION AND ATTACHMENTS TO:

WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601

